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B.W., Appellant)	
)	
and)	Docket No. 22-0134
)	Issued: May 24, 2022
U.S. POSTAL SERVICE, POST OFFICE,)	
Savannah, GA, Employer)	
)	

Case Submitted on the Record

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On November 4, 2021 appellant filed a timely appeal from an October 18, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

The issue is whether appellant has met his burden of proof to establish a lower back/buttocks contusion causally related to the accepted August 23, 2021 employment incident.

On September 10, 2021 appellant, then a 60-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that he sustained a buttocks contusion on August 23, 2021 when he was attacked by a dog and fell backwards in an attempt to get away while in the performance of

¹ 5 U.S.C. § 8101 *et seq.*

duty. On the reverse side of the claim form appellant's supervisor acknowledged that appellant was injured in the performance of duty. Appellant did not stop work.

On August 23, 2021 the employing establishment issued an authorization for examination and/or treatment (Form CA-16). The description of the injury was that appellant "[f]ell onto back while escaping dog attack." In an accompanying attending physician's report, Part B of the Form CA-16, a health provider, whose signature is illegible, diagnosed "contusion buttocks," and indicated by checking a box marked "Yes" that it was related to the employment activity described. The description of the employment activity was that appellant was "kicking at a dog and walking backwards. He lost his footing and fell onto his buttocks." Appellant was treated and discharged from treatment on August 24, 2021.

OWCP also received a duty status report (Form CA-17) dated August 28, 2021, which listed appellant's diagnosis as a contusion to the lower back/buttocks. The signature on the form add was illegible.

In a development letter dated September 13, 2021, OWCP informed appellant of the deficiencies in his claim. It advised him of the type of factual and medical evidence needed and afforded him 30 days to submit the necessary evidence.

By decision dated October 18, 2021, OWCP accepted that the August 23, 2021 employment incident occurred, as alleged, but denied appellant's claim, finding that he had not submitted medical evidence containing a medical diagnosis in connection with his accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning FECA, that the claim was timely filed within the applicable time limitation period of FECA,³ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a fact of injury has been established.

² *Id.*

³ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

There are two components involved in establishing fact of injury. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁶

Pursuant to OWCP's procedures, no development of a claim is necessary where the condition reported is a minor one, which can be identified on visual inspection by a lay person (*e.g.*, burn, laceration, insect sting, or animal bite).⁷ No medical report is required to establish a minor condition such as a contusion.⁸

ANALYSIS

The Board finds that appellant has met his burden of proof to establish a contusion to the lower back and buttocks causally related to the August 23, 2021 employment incident.

On August 23, 2021 appellant was attacked by a dog and he fell on his buttocks. The duty status report dated August 28, 2021 diagnosed a contusion to the lower back/buttocks. This diagnosis of a lower back/buttocks contusion was consistent with appellant's physical examination and the mechanism of injury. As appellant has established that he sustained a visible injury from the August 23, 2021 employment incident,⁹ the Board will, therefore, reverse OWCP's October 18, 2021 decision and remand the case for payment of medical expenses for appellant's injury, to be followed by a *de novo* decision regarding any attendant disability.¹⁰

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a lower back and buttocks contusion causally related to the accepted August 23, 2021 employment incident.¹¹

⁶ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.800.6(a) (June 2011). *See also* Chapter 2.805.3(c) (January 2013); *A.J.*, Docket No. 19-1289 (issued December 31, 2019).

⁸ *Id.*; *see B.C.*, Docket No. 20-0498 (issued August 27, 2020) (the Board accepted lumbar contusion as causally related to the accepted employment incident); *S.H.*, Docket No. 20-0113 (issued June 24, 2020) (the Board accepted a right ankle contusion as causally related to the accepted employment incident); *M.A.*, Docket No. 13-1630 (issued June 18, 2014).

⁹ *Supra* notes 7 and 8.

¹⁰ *K.V.*, Docket No. 21-1409 (issued April 19, 2022).

¹¹ The Board notes that the employing establishment issued a Form CA-16, dated February 11, 2021. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *V.S.*, Docket No. 20-1034 (issued November 25, 2020); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).

ORDER

IT IS HEREBY ORDERED THAT the October 18, 2021 decision of the Office of Workers' Compensation Programs is reversed.

Issued: May 24, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board